THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.21706 of 2007

Dated: 11-10-2007

Between:

Arepalli Venkata Naga Ramesh

…Petitioner

and

The Government of A.P.,
Rep. By The Deputy Commissioner, (CT),
No.II, Vijayawada, Krishna District,
and 4 others.

…Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.21706 of 2007

Dated: 11-10-2007

Order: (Per The Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The case of the petitioner is that the attachment of

cinema theatre purchased by him is continuing on the assumed demand, which is not genuine, and as a matter of fact, he need not pay any amount towards entertainment tax to the respondents. The petitioner wants that his point of view should be heard by the respondents, but they are not even prepared to consider his representation.

It is submitted by the learned Counsel for the petitioner that the petitioner is prepared to deposit the amounts, which are disputed by him, without prejudice to his rights, provided, the attachment is lifted and his representation is considered.

We have also heard the learned Government Pleader for Commercial Taxes, who has no objection to consider any representation made by the petitioner and to pass appropriate orders thereon, if the petitioner deposits the entire disputed amount.

In this view of the matter, we dispose of the Writ Petition directing the attachment to be lifted after the demand is satisfied and the entire disputed amount is deposited. The petitioner may make a representation to the first respondent-Deputy Commissioner, who shall decide the same after hearing the petitioner within a period of two weeks from the date of its filing. The amount so deposited by the petitioner shall be without prejudice to his rights in the representation and shall be subject to the outcome of the order to be passed in the representation. If the petitioner feels aggrieved of the order passed by the first respondent-Deputy Commissioner, he shall be at liberty to avail any other appropriate remedy. No costs.

(Bilal Nazki, J)

Dated 11th October, 2007

(Ramesh Ranganathan, J)

Note:
Furnish CC
in one week.
B/o
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